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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16 HYPERMEDIA NAVIGATION LLC,
17

18 Plaintiff,

19 v.

20 GOOGLE LLC,
21

22 Defendant.

Case No. 3:18-cv-6137

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

23 This is an action for patent infringement in which Hypermedia Navigation LLC
24 (“Hypermedia”) makes the following allegations against Google LLC (“Defendant”):

25 **PARTIES**

26 1. Hypermedia Navigation LLC is a Texas limited liability company with a principle
27 place of business located at 17330 Preston Road, Suite 200D, Dallas, TX 75252.
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8. Search results through browsers were lists of links with no linear navigation for media elements such as videos, images, and/or audio files or websites, for example, a search result for president would look like this in 1999:



9. The Hypermedia patents solved this problem by creating a linear navigation resource program to navigate media elements by pulling multiple media elements from multiple hypermedia resources from multiple remote information nodes and provides them to the subscriber station through an interface which provides presentation of a media element and a linear navigation through a path of additional media elements.

10. On June 3, 2008, United States Patent No. 7,383,323 (the “’323 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’323 patent is attached hereto as Exhibit A.

11. On June 3, 2008, United States Patent No. 7,383,324 (the “’324 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’324 patent is attached hereto as Exhibit B.

1 12. On September 9, 2008, United States Patent No. 7,424,523 (the “’523 patent”) was
2 duly and legally issued by the United States Patent and Trademark Office for an invention titled
3 “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true
4 and correct copy of the ’523 patent is attached hereto as Exhibit C.

5 13. On January 13, 2009, United States Patent No. 7,478,144 (the “’144 patent”) was duly
6 and legally issued by the United States Patent and Trademark Office for an invention titled “System
7 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct
8 copy of the ’144 patent is attached hereto as Exhibit D.

9 14. On August 3, 2010, United States Patent No. 7,769,830 (the “’830 patent”) was duly
10 and legally issued by the United States Patent and Trademark Office for an invention titled “System
11 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct
12 copy of the ’830 patent is attached hereto as Exhibit E.

13 15. On August 21, 2012, United States Patent No. 8,250,173 (the “’173 patent”) was duly
14 and legally issued by the United States Patent and Trademark Office for an invention titled “System
15 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct
16 copy of the ’173 patent is attached hereto as Exhibit F.

17 16. On July 14, 2015, United States Patent No. 9,083,672 (the “’672 patent”) was duly
18 and legally issued by the United States Patent and Trademark Office for an invention titled “System
19 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct
20 copy of the ’672 patent is attached hereto as Exhibit G.

21 17. On September 26, 2017, United States Patent No. 9,772,814 (the “’814 Patent”) was
22 duly and legally issued by the United States Patent and Trademark Office for an invention titled
23 “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true
24 and correct copy of the ’814 patent is attached hereto as Exhibit H.

25 18. On January 9, 2018, United States Patent No. 9,864,575 (the “’575 Patent”) was duly
26 and legally issued by the United States Patent and Trademark Office for an invention titled “System
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1 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct
2 copy of the ’575 patent is attached hereto as Exhibit I.

3 19. On August 17, 2004, United States Patent No. 6,779,026 (the “’026 Patent”) was duly
4 and legally issued by the United States Patent and Trademark Office for an invention titled “System
5 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and
6 correct copy of the ’575 Patent is attached hereto as Exhibit J.

7 20. On June 5, 2018, United States Patent No. 9,990,174 (the “’174 Patent”) was duly and
8 legally issued by the United States Patent and Trademark Office for an invention entitled “System
9 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and
10 correct copy of the ’174 Patent is attached hereto as Exhibit K.

11 21. The ’323 Patent, the ’324 Patent, the ’523 Patent, the ’144 Patent, the ’830 Patent, the
12 ’173 Patent, the ’672 Patent, the ’814 Patent, ’575 Patent, ’026 Patent, and the ’174 Patent are
13 collectively referred to as the “Asserted Patents.”

14 22. Hypermedia is the owner of the Asserted Patents with all rights in and to the Asserted
15 Patents.

16 23. Upon information and belief, to the extent any marking was required by 35 U.S.C.
17 § 287 with regards to the Asserted Patents, Hypermedia has complied with such requirements.

18 **WILLFUL INFRINGEMENT**

19 24. On August 18, 2017, Hypermedia sent a letter to Defendant regarding all of the
20 Asserted Patents that had issued at the time. Furthermore, Plaintiff’s letter detailed that YouTube,
21 Google Play Music, Google Video, Google Play Movies, and Android TV (the “Accused
22 Instrumentalities”) infringed one or more of the ’323, ’324, ’523, ’672, ’830, ’173, and ’144 Patents
23 (the “Presented Patents”).

24 25. Defendant provided no material, description, or evidence of non-infringement or
25 invalidity of any of Hypermedia’s patents.
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27. Furthermore, Defendant intentionally infringed the Presented Patents by making, using, offering to sell and/or selling the Accused Instrumentalities within the United States.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,383,323

28. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems that infringes the claims of the '323 patent (*i.e.*, YouTube, Google Play Movies, and Android TV).

29. Upon information and belief, Defendant has been and is now infringing claims 1, 5, 8, 10, 11, 14, and 17 of the '323 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale YouTube, Google Play Movies, and Android TV, covered by one or more claims of the '323 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '323 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '323 Patent pursuant to 35 U.S.C. § 271(a).

30. When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 1 of the '323 Patent as they perform a method for presenting video media elements to a subscriber station, the method comprising: receiving a request from the subscriber station to present at least one video media element to the subscriber station; selecting a plurality of video media elements for presentation to the subscriber station, the plurality of video elements including a first video media element and a plurality of second video media elements; creating a first file for use by the subscriber station to create a first user interface that includes: a first viewing area in which the first video media element is presented; and a first map area having a plurality of icons, each icon representative of a corresponding one of the plurality of second video media elements, the plurality of icons available for selection to access corresponding video media elements; and

1 transmitting the first file to the subscriber station; receiving a map area selection request from the
2 subscriber station, the map area selection request corresponding to a selected icon of the first map
3 area; creating a second file for use by the subscriber station to create a second user interface that
4 includes: a second viewing area in which a second video media element is presented, the second video
5 element corresponding to the selected icon of the first map area; a second map area having a plurality
6 of icons, each icon representative of a corresponding one of a second plurality of second video media
7 elements, the plurality of icons available for selection to access corresponding video media elements;
8 and transmitting the second file to the subscriber station. *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25.

9 31. When placed into operation by Defendant or its end users, YouTube and Google Play
10 Movies infringe claim 5 of the '323 Patent as they perform the method of claim 1, and further, wherein
11 at least some of the plurality of video media elements comprise JPEG images. *See* Ex. A-1, Figs. 1-
12 24; A-2, Figs. 1-25.

13 32. When placed into operation by Defendant or its end users, YouTube and Google Play
14 Movies infringe claim 8 of the '323 Patent as it performs the method of claim 1, and further, wherein
15 each of the plurality of video media elements for presentation to the subscriber station resides on a
16 common Web site *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25.

17 33. When placed into operation by Defendant or its end users, YouTube, Google Play
18 Movies, and Android TV infringe claim 10 of the '323 Patent as they perform a method for presenting
19 video media elements to a subscriber station by receiving request from the subscriber station to
20 present at least one video element to the subscriber; selecting a plurality of video media elements for
21 presentation the subscriber station; creating a file for use by the subscriber station to create a user
22 interface; and transmitting the file to the subscriber station. *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25;
23 A-3, Figs. 1-7.

24 34. When placed into operation by Defendant or its end users, Android TV infringes claim
25 11 of the '323 Patent as it performs the method of claim 10 and receives the request from the
26 subscriber station includes receiving a search criteria and selecting the plurality of video media
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elements includes selecting the plurality of video media elements based upon the search criteria. *See* Ex. A-3, Figs. 1-7.

35. When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 14 of the '323 Patent as they perform the method of claim 10, and furthermore, wherein at least some of the plurality of video media elements comprise JPEG images. *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25.

36. When placed into operation by Defendant or its end users, YouTube infringes claim 17 of the '323 Patent as it performs the method of claim 10, and furthermore, comprises creating a billing record indicating creation and transmittal of the file. *See* Ex. A-2, Figs. 1-25.

37. As a result of Defendant's infringement of the '323 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,383,324

38. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, YouTube and Google Play Movies) that infringe claims 1, 2, 10, and 11 of the '324 patent.

39. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 10, and 11 of the '324 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale the YouTube and Google Play Movies, covered by one or more claims of the '324 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '324 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '324 Patent pursuant to 35 U.S.C. § 271(a).

40. When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 1 of the '324 Patent as they perform a method for presenting video media

1 elements to a subscriber station by receiving request from the subscriber station to present at least
2 one video element to the subscriber; selecting a plurality of video media elements for presentation
3 the subscriber station; creating a file for use by the subscriber station to create a user interface; and
4 transmitting the file to the subscriber station. *See* Ex. B-1, Figs. 1-21; B-2, Figs. 1-19.

5
6 41. When placed into operation by Defendant or its end users, YouTube and Google Play
7 Movies infringe claim 2 of the '324 Patent as they perform the method of claim 1 and each of the first
8 plurality of video media elements and the second plurality of video elements are associated with the
9 Web site. *See* Ex. B-1, Figs. 1-21; B-2, Figs. 1-19.

10 42. When placed into operation by Defendant or its end users, YouTube and Google Play
11 Movies infringe claim 10 of the '324 Patent as they perform a method for operating a Web site to
12 cause presentation of video media elements to a subscriber station, the method comprising:
13 downloading a base media element file to the subscriber station that, upon display by the subscriber
14 station, presents a first interface that includes: a first viewing area in which an icon representative of
15 a selected video media element is presented; a first map area having a plurality of icons, each icon
16 representative of a corresponding one of a first plurality of video media elements; and a search criteria
17 interface; receiving a search criteria from the subscriber station; selecting a second plurality of video
18 media elements based upon the search criteria; downloading a second media element file to the
19 subscriber station that, upon display by the subscriber station presents icons representative of the
20 second plurality of video media elements; receiving a video media element selection from the
21 subscriber station corresponding to a selected one of the second plurality of video media elements;
22 downloading a third media element file to the subscriber station that, upon display by the subscriber
23 station presents an interface that includes: a third viewing area in which the selected one of the second
24 plurality of video media elements is presented; and a third map area having a plurality of icons, each
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1 icon representative of a corresponding one of a third plurality of video media elements. *See* Ex. B-1,
 2 Figs. 1-21; B-2, Figs. 1-19.

3 43. When placed into operation by Defendant or its end users, YouTube and Google Play
 4 Movies infringe claim 11 of the '324 Patent as they perform the method of claim 10, and further,
 5 wherein each of the first plurality of video media elements, the second plurality of video media
 6 elements, and the plurality of video media elements are associated with the Web site. *See* Ex. B-1,
 7 Figs. 1-21; B-2, Figs. 1-19.

9 44. As a result of Defendant's infringement of the '324 Patent, Hypermedia has suffered
 10 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
 11 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
 12 invention by Defendant, together with interest and costs as fixed by the court.

13
 14 **COUNT III**
INFRINGEMENT OF U.S. PATENT NO. 7,424,523

15 45. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
 16 offers for sale products and/or systems (*i.e.*, Google Play Music and YouTube) that infringes the
 17 claims of the '523 patent.

18 46. Upon information and belief, Defendant has been and is now infringing claims 1, 2,
 19 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the '523 Patent in the State of California, in this Judicial District,
 20 and elsewhere in the United States, by, among other things, directly or through intermediaries,
 21 making, using, selling and/or offering for sale the Google Play Music and YouTube, covered by one
 22 or more claims of the '523 Patent to the injury of Hypermedia. Defendant is directly infringing,
 23 literally infringing, and/or infringing the '523 Patent under the doctrine of equivalents. Defendant is
 24 thus liable for infringement of the '523 Patent pursuant to 35 U.S.C. § 271(a).

25 47. When placed into operation by Defendant or its end users, YouTube infringes claim 1
 26 of the '523 Patent as it performs a method for navigating a linear Web program wherein the linear
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1 Web program includes a plurality of addresses that correspond to a plurality of media elements of the
2 World Wide Web, wherein the plurality of addresses are ordered in the linear Web program in
3 accordance with a linear sequence, and wherein the linear Web program and the plurality of media
4 elements are stored on a remote information node, the method comprising: sending data from the
5 remote information node to display, in a display window of a display device of a subscriber station
6 at a user location, a first media element of the plurality of media elements, the first media element
7 having a forward link to a second media element of the linear Web program; sending the linear Web
8 program from the remote information node to the subscriber station; sending data from the remote
9 information node that causes the display of a forward link indicator on the display device; receiving
10 a first signal in response to an action of the user indicating an activation of the forward link indicator,
11 and in response to the activation of the forward link indicator, sending data from the remote
12 information node to display in the display window, the second media element of the linear Web
13 program, the second media element having a forward link to a third media element of the linear Web
14 program; and receiving a second signal in response to an action of the user indicating an activation
15 of the forward link indicator, and in response to the activation of the forward link indicator, sending
16 data from the remote information node to display in the display window, the third media element of
17 the linear Web program. *See* Ex. C-2, Figs. 1-29.

18 48. When placed into operation by Defendant or its end users, YouTube infringes claim 2
19 of the '523 Patent as it performs the method of claim 1, and further wherein the forward link indicator
20 includes a forward link button. *See* Ex. C-2, Figs. 1-29.

21 49. When placed into operation by Defendant or its end users, YouTube infringes claim 3
22 of the '523 Patent as it performs the method of claim 1, and further comprises sending data from the
23 remote information node that causes the display of a backward link indicator on the display device.
24 *See* Ex. C-2, Figs. 1-29.

25 50. When placed into operation by Defendant or its end users, YouTube infringes claim 4
26 of the '523 Patent as it performs the method of claim 3, and further, wherein the second media element
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1 has a backward link to the first media element, and wherein the method further comprises: receiving
2 a third signal in response to an action of the user indicating an activation of the backward link
3 indicator, and in response to the activation of the backward link indicator when the second web page
4 is being displayed in the display window, activating a backward link to the first media element of the
5 linear Web program. *See* Ex. C-2, Figs. 1-29.

6 51. When placed into operation by Defendant or its end users, YouTube infringes claim 5
7 of the '523 Patent as it performs the method of claim 3, and further, wherein the backward link
8 indicator includes a backward link button. *See* Ex. C-2, Figs. 1-29.

9 52. When placed into operation by Defendant or its end users, Google Play Music and
10 YouTube infringe claim 6 of the '523 Patent as they performs a method for navigating a linear Web
11 program by sending data from a remote information node to display, on a display device at a user
12 location, a first media element of the plurality of media elements from the single Website, the first
13 media element having a forward link to a second media element of the linear Web program, and to
14 display a forward link indicator on the display device; receiving a first signal in response to an action
15 of the user indicating an activation of the forward link indicator, and in response to the activation of
16 the forward link indicator, sending data from the remote information node to display on the display
17 device; and receiving a second signal in response to an action of the user indicating an activation of
18 the forward link indicator, and in response to the activation of the forward link indicator, sending data
19 from the remote information node to display on the display device, the third media element of the
20 linear Web program. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

21 53. When placed into operation by Defendant or its end users, Google Play Music and
22 YouTube infringe claim 7 of the '523 Patent as they perform the method of claim 6 and the forward
23 link indicator includes a forward link button. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

24 54. When placed into operation by Defendant or its end users, Google Play Music and
25 YouTube infringe claim 8 of the '523 Patent as they perform the method of claim 6 and the media
26 elements include a series of backward links by sending data from the remote information node
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1 causing the display of a backward link on the display device. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-
2 29.

3 55. When placed into operation by Defendant or its end users, YouTube infringes claim 9
4 of the '523 Patent as it performs the method of claim 8 and includes second media elements with a
5 backward link to the first media element, whereby receiving a third signal from a user action
6 indicating activation of the backward, and in response to the activation of the backward link from the
7 second webpage being displayed on the device, activating a backward link to the first media element
8 of the linear web program. *See* Ex. C-2, Figs. 1-29.

9 56. When placed into operation by Defendant or its end users, YouTube infringes claim
10 10 of the '523 Patent as it performs the method of claim 9 and the linear web program includes a
11 plurality of addresses the correspond to the plurality of media elements that are ordered in accordance
12 with a linear sequence. *See* Ex. C-2, Figs. 1-29.

13 57. When placed into operation by Defendant or its end users, Google Play Music and
14 YouTube infringe claim 11 of the '523 Patent as they perform the method of claim 6 and also store
15 the linear web program at a remote information node. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

16 58. When placed into operation by Defendant or its end users, Google Play Music and
17 YouTube infringe claim 12 of the '523 Patent as they perform the method of claim 11 and send the
18 linear web program to a subscriber station at the user location, wherein the subscriber station includes
19 the display device. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

20 59. As a result of Defendant's infringement of the '523 Patent, Hypermedia has suffered
21 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
22 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
23 invention by Defendant, together with interest and costs as fixed by the court.

COUNT IV**INFRINGEMENT OF U.S. PATENT NO. 7, 478,144**

60. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, Google Play Music, YouTube, Android TV, and Google Videos) that infringe the claims of the '144 patent.

61. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3, 4, 7, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 41, 44, 48, and 49 of the '144 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale Google Play Music, YouTube, Google Play Movies, Android TV, and Google Videos, covered by one or more claims of the '144 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '144 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '144 Patent pursuant to 35 U.S.C. § 271(a).

62. When placed into operation by Defendant or its end users, YouTube infringes claim 1 of the '144 Patent, it performs a method of creating a linear Web program that includes activation of a forward link indicator that exclusively activates a link to a next program element of a linearly linked sequence of program elements, the method comprising: selecting a first media element of the linear Web program; selecting a second media element of the linear Web program; selecting a third media element of the linear Web program; and associating a plurality of program elements to the linear linked sequence of program elements, wherein each of the plurality of program elements includes an address of one of a plurality of media elements, and wherein the plurality of media elements include the first media element, the second media element and the third media element; wherein the addresses of the plurality of media elements correspond to a single Website of the World Wide Web. *See* Ex. D-4, Figs. 1-28.

1 63. When placed into operation by Defendant or its end users, YouTube infringes claim 2
2 of the '144 Patent. It performs the method of claim 1, and further comprising: storing the linear Web
3 program on a remote information node. *See* Ex. D-4, Figs. 1-28.

4 64. When placed into operation by Defendant or its end users, YouTube infringes claim 3
5 of the '144 Patent. It performs the method of claim 1, and further comprising: sending the linear Web
6 program from the remote information node to a subscriber station at a user location over the Internet.
7 *See* Ex. D-4, Figs. 1-28.

8 65. When placed into operation by Defendant or its end users, YouTube infringes claim 4
9 of the '144 Patent. It performs the method of claim 1, wherein the first media element, the second
10 media element and the third media element are selected in response to user selections. *See* Ex. D-4,
11 Figs. 1-28.

12 66. When placed into operation by Defendant or its end users, YouTube infringes claim 7
13 of the '144 Patent. It performs the method of claim 1 and further wherein the step of associating the
14 plurality of program elements to the linear linked sequence of program elements includes associating
15 the plurality of program elements by the linear linked sequence for navigation by activation of a
16 backward link indicator that exclusively activates a link to a previous program element of the linearly
17 linked sequence. *See* Ex. D-4, Figs. 1-28.

18 67. When placed into operation by Defendant or its end users, YouTube infringes claim 9
19 of the '144 Patent. It performs the method of claim 1 and further wherein each of the first media
20 element, the second media element and the third media element comprise separate Web pages of the
21 World Wide Web. *See* Ex. D-4, Figs. 1-28.

22 68. When placed into operation by Defendant or its end users, YouTube infringes claim
23 10 of the '144 Patent. It performs the method of claim 1 and further, wherein the first media element,
24 the second media element and the third media element are each stored on a remote information node.
25 *See* Ex. D-4, Figs. 1-28.

1 69. When placed into operation by Defendant or its end users, YouTube infringes claim
2 11 of the '144 Patent. It performs a method comprising: selecting a first media element of a linear
3 Web program; selecting a second media element of the linear Web program; selecting a third media
4 element of the linear Web program; creating the linear Web program for navigation by a user by
5 activation of a forward link indicator that exclusively activates a link to a next program element of a
6 linearly linked sequence, by associating a plurality of program elements by the linear linked sequence,
7 wherein each of the plurality of program elements includes an address of one of a plurality of media
8 elements, and wherein the plurality of media elements include the first media element, the second
9 media element and the third media element; storing the linear Web program on a remote information
10 node; and sending the linear Web program from the remote information node to a subscriber station
11 at a user location over the Internet. *See* Ex. D-4, Figs. 1-28.

12 70. When placed into operation by Defendant or its end users, YouTube infringes claim
13 12 of the '144 Patent. It performs the method of claim 11 and further, wherein addresses of the
14 plurality of program elements correspond to a single Website of the World Wide Web. *See* Ex. D-4,
15 Figs. 1-28.

16 71. When placed into operation by Defendant or its end users, YouTube infringes claim
17 16 of the '144 Patent. It performs the method of claim 11, and further, wherein the step of creating
18 the linear Web program includes associating the plurality of program elements by the linear linked
19 sequence for navigation by a user by activation of a backward link indicator that exclusively activates
20 a link to a previous program element of the linearly linked sequence. *See* Ex. D-4, Figs. 1-28.

21 72. When placed into operation by Defendant or its end users, YouTube infringes claim
22 18 of the '144 Patent. It performs the method of claim 11, and further, wherein each of the first media
23 element, the second media element and the third media element comprise separate Web pages of the
24 World Wide Web. *See* Ex. D-4, Figs. 1-28.

25 73. When placed into operation by Defendant or its end users, YouTube infringes claim
26 19 of the '144 Patent. It performs the method of claim 11, and further, wherein the first media
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1 element, the second media element and the third media element are each stored on the remote
2 information node. *See* Ex. D-4, Figs. 1-28.

3 74. When placed into operation by Defendant or its end users, Google Play Music
4 infringes claim 20 of the '144 Patent. It performs a method of creating a linear program of audio
5 elements, the method comprising: receiving a search request from a user; selecting a first audio
6 element in response to the search request; selecting a second audio element in response to the search
7 request; selecting a third audio element in response to the search request; associating the first audio
8 element, the second audio element and the third audio element in a linearly linked fashion to produce
9 the linear program of audio elements; displaying a plurality of indicators, each of the plurality of
10 indicators representing a corresponding one of the first audio element, the second audio element and
11 the third audio element; and in response to a user selection of one of the plurality of indicators,
12 selecting the corresponding one of, the first audio element, the second audio element and the third
13 audio element; wherein the first audio element, the second audio element and the third audio element
14 are stored on an information node of the World Wide Web. *See* Ex. D-2, Figs. 1-15.

15 75. When placed into operation by Defendant or its end users, YouTube infringes claim
16 21 of the '144 Patent. It performs the method of claim 20, and further comprises displaying a forward
17 link indicator that selects a next program element of a linear program of audio elements. *See* Ex. D-
18 4, Figs. 1-28.

19 76. When placed into operation by Defendant or its end users, YouTube infringes claim
20 22 of the '144 Patent. It performs the method of claim 20 and further comprises displaying a
21 backward link indicator that selects a previous program element of a linear program of audio
22 elements. *See* Ex. D-4, Figs. 1-28.

23 77. When placed into operation by Defendant or its end users, YouTube infringes claim
24 23 of the '144 Patent. It performs the method of claim 20 and further comprises displaying the linear
25 program of audio elements to a subscriber station at a user location over the Internet. *See* Ex. D-4,
26 Figs. 1-28.

1 78. When placed into operation by Defendant or its end users, YouTube infringes claim
2 24 of the '144 Patent. It performs the method of claim 20 and further, wherein the indicator includes
3 at least one of: text, icons and graphical depictions. *See* Ex. D-4, Figs. 1-28.

4 79. When placed into operation by Defendant or its end users, YouTube infringes claim
5 25 of the '144 Patent. It performs a method of creating a linear program of audio elements, the
6 method comprising: receiving a search request from a user; selecting a first audio element in response
7 to the search request; selecting a second audio element in response to the search request; selecting a
8 third audio element in response to the search request; associating the first audio element, the second
9 audio element and the third audio element in a linearly linked fashion to produce the linear program
10 of audio elements; displaying a forward link indicator that selects a next program element of a linear
11 program of audio elements; and displaying a backward link indicator that selects a previous program
12 element of a linear program of audio elements; wherein the first audio element, the second audio
13 element and the third audio element are stored on an information node of the World Wide Web. *See*
14 Ex. D-4, Figs. 1-28.

15 80. When placed into operation by Defendant or its end users, YouTube infringes claim
16 26 of the '144 Patent. It performs the method of claim 25, and further comprises displaying a plurality
17 of indicators, each of the plurality of indicators representing a corresponding one of the first audio
18 element, the second audio element and the third audio element. *See* Ex. D-4, Figs. 1-28.

19 81. When placed into operation by Defendant or its end users, YouTube infringes claim
20 28 of the '144 Patent. It performs the method of claim 25, and further comprises in response to a user
21 selection of one of the plurality of indicators, highlighting and selecting the corresponding one of, the
22 first audio element, the second audio element and the third audio element. *See* Ex. D-4, Figs. 1-28.

23 82. When placed into operation by Defendant or its end users, YouTube and Google
24 Videos infringe claim 41 of the '144 Patent. They perform the method of claim 39, and further,
25 wherein the user interface includes: a viewing area in which at least one image of the plurality of
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1 found video media elements is presented; and a map area in which information regarding some of the
2 plurality of found video media elements is presented. *See* Ex. D-4, Figs. 1-28; D-3, Figs. 1-6.

3 83. When placed into operation by Defendant or its end users, Android TV infringes claim
4 44 of the '144 Patent. It performs a method or performing a search for media elements and for
5 providing the media elements to a subscriber station, the method comprising: receiving a search
6 request from the subscriber station to perform a search for media elements, the search request
7 including at least one search term; searching for media elements based upon the search request to
8 produce a plurality of found media elements; selecting, from the plurality of found media elements,
9 a first media element; selecting, from the plurality of found media elements, a plurality of second
10 media elements; creating a file for use by the subscriber station to create a user interface that includes:
11 a viewing area in which the first media element is presented; and a map area in which information
12 regarding the plurality of second media elements is presented; and transmitting the file to the
13 subscriber station. *See* Ex. D-1, Figs. 1-9.

14 84. When placed into operation by Defendant or its end users, Android TV infringes claim
15 48 of the '144 Patent. It performs the method of claim 44, and further comprises creating another file
16 for use by the subscriber station to create another user interface that includes: a viewing area in which
17 the second video media element is presented; a map area in which information regarding the plurality
18 of third media elements. *See* Ex. D-1, Figs. 1-9.

19 85. When placed into operation by Defendant or its end users, Android TV infringes claim
20 49 of the '144 Patent. It performs the method of claim 44, and further, wherein the map area and the
21 display area are non-overlapping. *See* Ex. D-1, Figs. 1-9.

22 86. As a result of Defendant's infringement of the '144 Patent, Hypermedia has suffered
23 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
24 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
25 invention by Defendant, together with interest and costs as fixed by the court.
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COUNT V
INFRINGEMENT OF U.S. PATENT NO. 7,769,830

87. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, YouTube) that infringes claims 1, 4, 7, 8, 9, 12, 13, 15, 18, 19, 20, 21, 24, and 25 of the '830 patent.

88. Upon information and belief, Defendant has been and is now infringing claims 1, 4, 7, 8, 9, 12, 13, 15, 18, 19, 20, 21, 24, and 25 of the '830 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale YouTube, covered by one or more claims of the '830 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '830 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '830 Patent pursuant to 35 U.S.C. § 271(a).

89. When placed into operation by Defendant or its end users, YouTube infringes claim 1 of the '830 Patent as it performs a method for operating at least one web server to present video media elements to a subscriber station by receiving a web page request from the subscriber station; in response to receiving the web page request, the at least one web server creating at least one web page for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes a viewing area and a map area; and responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station. *See* Ex. E-1, Figs. 1-24.

90. When placed into operation by Defendant or its end users, YouTube infringes claim 4 of the '830 Patent as it performs the method of claim 1 and further comprises receiving a selection from the subscriber station of one of the plurality of second video media elements for display in the viewing area by the at least one web server. *See* Ex. E-1, Figs. 1-24.

91. When placed into operation by Defendant or its end users, YouTube infringes claim 7 of the '830 Patent as it performs the method of claim 1 and further wherein receiving the web page request from the subscriber station by the at least one web server includes receiving a search criteria

1 and at least one search preference; and further comprising the at least one web server selecting the
2 first video media element and the plurality of second video media elements based upon the search
3 criteria and the at least one search preference. *See* Ex. E-1, Figs. 1-24.

4 92. When placed into operation by Defendant or its end users, YouTube infringes claim 8
5 of the '830 Patent as it performs the method of claim 1 and further wherein at least some icons of the
6 map area comprise JPEG images. *See* Ex. E-1, Figs. 1-24.

7 93. When placed into operation by Defendant or its end users, YouTube infringes claim 9
8 of the '830 Patent as it performs the method of claim 1 and further wherein at least some of the
9 plurality of video media elements comprise JPEG images. *See* Ex. E-1, Figs. 1-24.

10 94. When placed into operation by Defendant or its end users, YouTube infringes claim
11 12 of the '830 Patent as it performs the method of claim 1 and further wherein at least some icons of
12 the map area convey subjects of corresponding second video media elements. *See* Ex. E-1, Figs. 1-
13 24.

14 95. When placed into operation by Defendant or its end users, YouTube infringes claim
15 13 of the '830 Patent as it performs the method of claim 1 and further wherein the plurality of video
16 media elements for presentation to the subscriber station reside on a common Web site. *See* Ex. E-1,
17 Figs. 1-24.

18 96. When placed into operation by Defendant or its end users, YouTube infringes claim
19 15 of the '830 Patent as it performs a method for presenting video media elements to a subscriber
20 station by at least one web server, the method comprising: creating at least one web page by the at
21 least one web server for use by a browser of the subscriber station to produce a user interface at the
22 subscriber station that includes: a viewing area in which a first video media element is presented; and
23 a map area in which a plurality of icons are presented, each icon representative of a corresponding
24 one of a plurality of second video media elements, the plurality of icons available for selection to
25 access corresponding video media elements; receiving a web page request from the subscriber station
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1 by the at least one web server; and responding to the web page request by the at least one web server
2 by initiating download of the at least one web page to the subscriber station. *See* Ex. E-1, Figs. 1-24.

3 97. When placed into operation by Defendant or its end users, YouTube infringes claim
4 18 of the '830 Patent as it performs the method of claim 15 and further wherein the plurality of video
5 media elements are selected by the at least one web server after receipt of the web page request from
6 the subscriber station. *See* Ex. E-1, Figs. 1-24.

7 98. When placed into operation by Defendant or its end users, YouTube infringes claim
8 19 of the '830 Patent as it performs the method of claim 15 and further comprises the at least one web
9 server receiving a selection from the subscriber station of one of the plurality of second video media
10 elements for display in the viewing area. *See* Ex. E-1, Figs. 1-24.

11 99. When placed into operation by Defendant or its end users, YouTube infringes claim
12 20 of the '830 Patent as it performs the method of claim 15 and further wherein at least some icons
13 of the map area comprise JPEG images. *See* Ex. E-1, Figs. 1-24.

14 100. When placed into operation by Defendant or its end users, YouTube infringes claim
15 21 of the '830 Patent as it performs the method of claim 15 and further wherein at least some of the
16 plurality of video media elements comprise JPEG images. *See* Ex. E-1, Figs. 1-24.

17 101. When placed into operation by Defendant or its end users, YouTube infringes claim
18 24 of the '830 Patent as it performs the method of claim 15 and further wherein at least some icons
19 of the map area convey subjects of corresponding second video media elements. *See* Ex. E-1, Figs.
20 1-24.

21 102. When placed into operation by Defendant or its end users, YouTube infringes claim
22 25 of the '830 Patent as it performs the method of claim 15 and further wherein at least one web
23 server creating a billing record indicating creation and transmittal of the web page. *See* Ex. E-1, Figs.
24 1-24.

25 103. As a result of Defendant's infringement of the '830 Patent, Hypermedia has suffered
26 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
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1 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
2 invention by Defendant, together with interest and costs as fixed by the court.

3 **COUNT VI**
4 **INFRINGEMENT OF U.S. PATENT NO. 8,250,173**

5 104. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
6 offers for sale products and/or systems (*i.e.*, YouTube, Google Play Movies, and Google Videos) that
7 infringes the claims of the '173 patent.

8 105. Upon information and belief, Defendant has been and is now infringing claims 1, 2,
9 5, 6, 12, 13, 15, 16, 17, 18, 21, 22, 23, 24, and 25 of the '173 Patent in the State of California, in this
10 Judicial District, and elsewhere in the United States, by, among other things, directly or through
11 intermediaries, making, using, selling and/or offering for sale YouTube, Google Play Movies, and
12 Google Videos, covered by one or more claims of the '173 Patent to the injury of Hypermedia.
13 Defendant is directly infringing, literally infringing, and/or infringing the '173 Patent under the
14 doctrine of equivalents. Defendant is thus liable for infringement of the '173 Patent pursuant to 35
15 U.S.C. § 271(a).

16 106. When placed into operation by Defendant or its end users, Google Play Movies
17 infringes claim 1 of the '173 Patent. It performs a method for operating at least one web server to
18 present video media elements to a subscriber station, the method comprising: receiving a web page
19 request from the subscriber station by the at least one web server; in response to receiving the web
20 page request, the at least one web server accessing a web page for use by a browser of the subscriber
21 station to produce a user interface at the subscriber station that includes: a viewing area in which a
22 preview of a first video media element is presented, the preview available for selection to access a
23 corresponding video media element; and a map area in which a plurality of icons are presented, each
24 icon representative of a corresponding one of a plurality of second video media elements, the plurality
25 of icons available for selection to access corresponding video media elements; and responding to the
26 web page request by the at least one web server by initiating download of the web page to the
27 subscriber station. *See* Ex. F-1, Figs. 1-29.

1 107. When placed into operation by Defendant or its end users, Google Play Movies
2 infringes claim 2 of the '173 Patent. It performs the method of claim 1, wherein the preview of the
3 first media element comprises a still image. *See* Ex. F-1, Figs. 1-29.

4 108. When placed into operation by Defendant or its end users, Google Play Movies
5 infringes claim 5 of the '173 Patent. It performs the method of claim 1, further comprising: receiving
6 a selection from the subscriber station of the corresponding video media element; and servicing the
7 selection by causing presentation of the corresponding video media element on the subscriber station.
8 *See* Ex. F-1, Figs. 1-29.

9 109. When placed into operation by Defendant or its end users, Google Play Movies
10 infringes claim 6 of the '173 Patent. It performs the method of claim 1, further comprising: receiving
11 a selection from the subscriber station of one of the plurality of second video media; and servicing
12 the selection by causing presentation of the selected one of the plurality of second video media
13 elements on the subscriber station. *See* Ex. F-1, Figs. 1-29.

14 110. When placed into operation by Defendant or its end users, Google Play Movies
15 infringes claim 12 of the '173 Patent. It performs the method of claim 1, wherein at least some icons
16 of the map area convey subjects of corresponding second video media elements. *See* Ex. F-1, Figs.
17 1-29.

18 111. When placed into operation by Defendant or its end users, Google Play Movies
19 infringes claim 13 of the '173 Patent. It performs the method of claim 1, wherein the plurality of
20 video media elements for presentation to the subscriber station reside on a common Web site. *See* Ex.
21 F-1, Figs. 1-29.

22 112. When placed into operation by Defendant or its end users, YouTube, Google Play
23 Movies, and Google Videos infringe claim 15 of the '173 Patent. They perform a method for
24 presenting video media elements to a subscriber station by at least one web server, the method
25 comprising: receiving a web page request from the subscriber station that includes a search criteria;
26 retrieving a plurality of video media elements based upon the search criteria; creating at least one
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1 web page by the at least one web server for use by a browser of the subscriber station to produce a
2 user interface at the subscriber station that includes: a map area in which a plurality of icons are
3 presented, each icon representative of a corresponding one of the plurality of video media elements,
4 the plurality of icons available for selection to access corresponding video media elements; and
5 responding to the web page request by the at least one web server by initiating download of the at
6 least one web page to the subscriber station. *See* Ex. F-1, Figs. 1-29; F-2, Figs. 1-8; F-3, Figs. 1-10.

7 113. When placed into operation by Defendant or its end users, YouTube, Google Play
8 Movies, and Google Videos infringe claim 16 of the '173 Patent. They perform the method of claim
9 15, further comprising: receiving a selection from the subscriber station of a corresponding video
10 media element; and servicing the selection by causing presentation of the corresponding video media
11 element on the subscriber station. *See* Ex. F-1, Figs. 1-29; F-2, Figs. 1-8; F-3, Figs. 1-10.

12 114. When placed into operation by Defendant or its end users, Google Play Movies
13 infringes claim 17 of the '173 Patent. It performs the method of claim 15, further comprising:
14 receiving a selection from the subscriber station of a corresponding video media element; in response
15 to receiving the selection, the at least one web server creating at least one second web page for use
16 by a browser of the subscriber station to produce a user interface at the subscriber station that includes:
17 a viewing area in which an icon representing the corresponding video media element is presented;
18 and a map area in which a plurality of icons are presented, each icon representative of a corresponding
19 one of a plurality of second video media elements, the plurality of icons available for selection to
20 access corresponding video media elements; and responding to the selection by the at least one web
21 server by initiating download of the at least one second web page to the subscriber station. *See* Ex.
22 F-1, Figs. 1-29.

23 115. When placed into operation by Defendant or its end users, Google Play Movies
24 infringes claim 18 of the '173 Patent. It performs the method of claim 17, further comprising:
25 receiving a selection from the subscriber station of the corresponding video media; and servicing the
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1 selection by causing presentation of the corresponding video media on the subscriber station. *See* Ex.
2 F-1, Figs. 1-29.

3 116. When placed into operation by Defendant or its end users, Google Play Movies
4 infringes claim 21 of the '173 Patent. It performs the method of claim 15, further comprising:
5 receiving a selection from the subscriber station of a corresponding video media element; and in
6 response to receiving the selection, the at least one web server creating at least one second web page
7 for use by a browser of the subscriber station to produce a user interface at the subscriber station that
8 includes at least an icon representing the corresponding video media element. *See* Ex. F-1, Figs. 1-
9 29.

10 117. When placed into operation by Defendant or its end users, Google Play Movies
11 infringes claim 22 of the '173 Patent. It performs the method of claim 21, further comprising:
12 receiving a selection from the subscriber station of the corresponding video media; and servicing the
13 selection by causing presentation of the corresponding video media on the subscriber station. *See* Ex.
14 F-1, Figs. 1-29.

15 118. When placed into operation by Defendant or its end users, Google Play Movies
16 infringes claim 23 of the '173 Patent. It performs the method of claim 21, wherein the at least one
17 second web page further comprises a map area in which a plurality of icons are presented, each icon
18 representative of a corresponding one of another plurality of video media elements. *See* Ex. F-1, Figs.
19 1-29.

20 119. When placed into operation by Defendant or its end users, YouTube, Google Play
21 Movies, and Google Videos infringe claim 24 of the '173 Patent. They perform the method of claim
22 15, further comprising: receiving a selection from the subscriber station of a corresponding video
23 media element; in response to receiving the selection, the at least one web server creating at least one
24 second web page for use by a browser of the subscriber station to produce a user interface at the
25 subscriber station that includes: a viewing area in which an icon representing the corresponding video
26 media element is presented; and a map area in which a plurality of icons are presented, each icon
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1 representative of a corresponding one of a plurality of second video media elements, the plurality of
2 icons available for selection to access corresponding video media elements; and responding to the
3 selection by the at least one web server by initiating download of the at least one second web page to
4 the subscriber station. *See* Ex. F-1, Figs. 1-29; F-2, Figs. 1-8; F-3, Figs. 1-10.

5 120. When placed into operation by Defendant or its end users, YouTube and Google Play
6 Movies, infringe claim 25 of the '173 Patent. They perform the method of claim 15, wherein the
7 plurality of video media elements for presentation to the subscriber station reside on a common Web
8 site. *See* Ex. F-1, Figs. 1-29; F-3, Figs. 1-10.

9 121. As a result of Defendant's infringement of the '173 Patent, Hypermedia has suffered
10 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
11 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
12 invention by Defendant, together with interest and costs as fixed by the court.

13 **COUNT VII**
14 **INFRINGEMENT OF U.S. PATENT NO. 9,083,672**

15 122. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
16 offers for sale products and/or systems (*i.e.*, Google Play Music and YouTube) that infringes the
17 claims of the '672 patent.

18 123. Upon information and belief, Defendant has been and is now infringing claim 1, 2, 3,
19 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, and 24 of the '672 Patent in the State
20 of California, in this Judicial District, and elsewhere in the United States, by, among other things,
21 directly or through intermediaries, making, using, selling and/or offering for sale Google Play Music
22 and YouTube, covered by one or more claims of the '672 Patent to the injury of Hypermedia.
23 Defendant is directly infringing, literally infringing, and/or infringing the '672 Patent under the
24 doctrine of equivalents. Defendant is thus liable for infringement of the '672 Patent pursuant to 35
25 U.S.C. § 271(a).

26 124. When placed into operation by Defendant or its end users, Google Play Music
27 infringes claim 1 of the '672 Patent. It performs a method of presenting a linear program of audio
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1 elements, the method comprising: selecting a first audio element; selecting a second audio element;
2 selecting a third audio element; associating the first audio element, the second audio element and the
3 third audio element in a linearly linked fashion to produce the linear program of audio elements;
4 displaying a plurality of indicators, each of the plurality of indicators representing a corresponding
5 one of the first audio element, the second audio element or the third audio element; displaying a
6 forward link indicator that selects a next program element of the linear program of audio elements;
7 and in response to a user selection of one of the plurality of indicators, selecting the corresponding
8 one of, the first audio element, the second audio element or the third audio element; wherein the first
9 audio element, the second audio element and the third audio element are stored on a server of a World
10 Wide Web. *See* Ex. G-1, Figs. 1-22.

11 125. When placed into operation by Defendant or its end users, Google Play Music
12 infringes claim 2 of the '672 Patent. It performs the method of claim 1 further comprising: displaying
13 a backward link indicator that selects a previous program element of the linear program of audio
14 elements. *See* Ex. G-1, Figs. 1-22.

15 126. When placed into operation by Defendant or its end users, Google Play Music
16 infringes claim 3 of the '672 Patent. It performs the method of claim 1 further comprising: displaying
17 the linear program of audio elements to a subscriber station at a user location over an Internet. *See*
18 Ex. G-1, Figs. 1-22.

19 127. When placed into operation by Defendant or its end users, Google Play Music
20 infringes claim 4 of the '672 Patent. It performs the method of claim 1 wherein the plurality of
21 indicators includes at least one of: text, icons or graphical depictions. *See* Ex. G-1, Figs. 1-22.

22 128. When placed into operation by Defendant or its end users, Google Play Music
23 infringes claim 5 of the '672 Patent. It performs a method of presenting a linear program of audio
24 elements, the method comprising: associating a first audio element, a second audio element and a
25 third audio element in a linearly linked fashion to produce the linear program of audio elements;
26 displaying the linear program of audio elements to a subscriber station at a user location over the
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1 Internet by displaying a plurality of indicators, each of the plurality of indicators representing a
2 corresponding one of the first audio element, the second audio element or the third audio element,
3 wherein the plurality of indicators includes at least one of: text, icons and graphical depictions; in
4 response to a user selection of one of the plurality of indicators, selecting the corresponding one of,
5 the first audio element, the second audio element or the third audio element; displaying a forward
6 link indicator that selects a next program element of the linear program of audio elements; and in
7 response to a user selection of one of the plurality of indicators, selecting the corresponding one of,
8 the first audio element, the second audio element or the third audio element; wherein the first audio
9 element, the second audio element and the third audio element are stored on a server of a World Wide
10 Web. *See* Ex. G-1, Figs. 1-22.

11 129. When placed into operation by Defendant or its end users, Google Play Music
12 infringes claim 6 of the '672 Patent. It performs a method of presenting a linear program of audio
13 elements, the method comprising: selecting a first audio element; selecting a second audio element;
14 selecting a third audio element; associating the first audio element, the second audio element and the
15 third audio element in a linearly linked fashion to produce the linear program of audio elements;
16 displaying a forward link indicator that selects a next program element of the linear program of audio
17 elements; and displaying a backward link indicator that selects a previous program element of the
18 linear program of audio elements; wherein the first audio element, the second audio element and the
19 third audio element are stored on a server of a World Wide Web. *See* Ex. G-1, Figs. 1-22.

20 130. When placed into operation by Defendant or its end users, Google Play Music
21 infringes claim 7 of the '672 Patent. It performs the method of claim 6 further comprising: displaying
22 a plurality of indicators, each of the plurality of indicators representing a corresponding one of the
23 first audio element, the second audio element or the third audio element. *See* Ex. G-1, Figs. 1-22.

24 131. When placed into operation by Defendant or its end users, Google Play Music
25 infringes claim 8 of the '672 Patent. It performs the method of claim 7 further comprising: in response
26 to a user selection of one of the plurality of indicators, highlighting and selecting a corresponding one
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1 of, the first audio element, the second audio element or the third audio element. *See* Ex. G-1, Figs. 1-
2 22.

3 132. When placed into operation by Defendant or its end users, Google Play Music
4 infringes claim 9 of the '672 Patent. It performs the method of claim 6 further comprising: sending
5 the linear program of audio elements to a subscriber station at a user location over the Internet. *See*
6 Ex. G-1, Figs. 1-22.

7 133. When placed into operation by Defendant or its end users, Google Play Music
8 infringes claim 10 of the '672 Patent. It performs the method of presenting a linear program of audio
9 elements, the method comprising: associating a first audio element, a second audio element and a
10 third audio element in a linearly linked fashion to produce the linear program of audio elements;
11 displaying a plurality of indicators, each of the plurality of indicators representing a corresponding
12 one of the first audio element, the second audio element or the third audio element, wherein the
13 plurality of indicators includes at least one of: text, icons or graphical depictions; in response to a
14 user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio
15 element, the second audio element or the third audio element; and displaying a forward link indicator
16 that selects a next program element of a linear program of audio elements; wherein the first audio
17 element, the second audio element and the third audio element are stored on a server of a World Wide
18 Web. *See* Ex. G-1, Figs. 1-22.

19 134. When placed into operation by Defendant or its end users, Google Play Music
20 infringes claim 11 of the '672 Patent. It performs the method of claim 10 further comprising: in
21 response to a user selection of one of the plurality of indicators, highlighting the corresponding one
22 of, the first audio element, the second audio element or the third audio element. *See* Ex. G-1, Figs. 1-
23 22.

24 135. When placed into operation by Defendant or its end users, Google Play Music
25 infringes claim 12 of the '672 Patent. It performs the method of claim 10 further comprising:
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1 displaying a backward link indicator that selects a previous program element of a linear program of
2 audio elements. *See* Ex. G-1, Figs. 1-22.

3 136. When placed into operation by Defendant or its end users, Google Play Music
4 infringes claim 13 of the '672 Patent. It performs the method of claim 10 further comprising:
5 displaying the linear program of audio elements to a subscriber station at a user location over the
6 Internet. *See* Ex. G-1, Figs. 1-22.

7 137. When placed into operation by Defendant or its end users, YouTube infringes claim
8 14 of the '672 Patent. It performs the method of presenting a linear program of video elements, the
9 linear program including a first video element, a second video element and a third video element, the
10 method comprising: displaying a plurality of indicators in a map area of a display screen, each of the
11 plurality of indicators representing a corresponding one of the first video element, the second video
12 element or the third video element, wherein the plurality of indicators includes at least one of: text,
13 icons or graphical depictions; displaying a forward link indicator corresponding to a next program
14 element of the linear program of video elements; selecting the next program element of the linear
15 program of video elements in response to a user selection of the forward link indicator; and displaying
16 the selected next program element in a viewing area of the display screen; wherein the first video
17 element, the second video element and the third video element are stored on a server of a World Wide
18 Web. *See* Ex. G-2, Figs. 1-24.

19 138. When placed into operation by Defendant or its end users, YouTube infringes claim
20 15 of the '672 Patent. It performs the method of claim 14 further comprising: in response to a user
21 selection of one of the plurality of indicators, selecting a selected video element corresponding to one
22 of, the first video element, the second video element or the third video element. *See* Ex. G-2, Figs. 1-
23 24.

24 139. When placed into operation by Defendant or its end users, YouTube infringes claim
25 16 of the '672 Patent. It performs the method of claim 14 further comprising: in response to a user
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1 selection of one of the plurality of indicators, highlighting the corresponding one of, the first video
2 element, the second video element or the third video element. *See* Ex. G-2, Figs. 1-24.

3 140. When placed into operation by Defendant or its end users, YouTube infringes claim
4 17 of the '672 Patent. It performs the method of claim 14 further comprising: displaying a backward
5 link indicator corresponding to a previous program element of a linear program of video elements.
6 *See* Ex. G-2, Figs. 1-24.

7 141. When placed into operation by Defendant or its end users, YouTube infringes claim
8 18 of the '672 Patent. It performs the method of claim 14 further comprising: displaying the linear
9 program of video elements to a subscriber station at a user location over the Internet. *See* Ex. G-2,
10 Figs. 1-24.

11 142. When placed into operation by Defendant or its end users, Google Play Music and
12 YouTube infringe claim 20 of the '672 Patent. They perform a method for navigating a linear Web
13 program wherein the linear Web program includes a plurality of addresses that correspond to a
14 plurality of media elements of a World Wide Web, wherein the plurality of addresses are ordered in
15 the linear Web program in accordance with a linear sequence, and wherein the linear Web program
16 and the plurality of media elements are stored on a remote node, the method comprising: sending data
17 from the remote node to display, in a display window of a display device of a subscriber station at a
18 user location, a first media element of the plurality of media elements, the first media element having
19 a forward link to a second media element of the linear Web program; sending the linear Web program
20 from the remote node to the subscriber station; when the first media element is displayed in the display
21 window, receiving a first signal in response to an action of the user indicating a first forward link
22 activation, and in response to the first signal, sending data from the remote node to display in the
23 display window, the second media element of the linear Web program, the second media element
24 having a forward link to a third media element of the linear Web program; and when the second media
25 element is displayed in the display window, receiving a second signal in response to an action of the
26 user indicating a second forward link activation, and in response to the second signal, sending data
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1 from the remote node to display in the display window, the third media element of the linear Web
2 program. *See* Ex. G-1, Figs. 1-22; G-2, Figs. 1-24.

3 143. When placed into operation by Defendant or its end users, Google Play Music and
4 YouTube infringe claim 21 of the '672 Patent. They perform the method of claim 20 further
5 comprising: sending data from the remote node that causes the display of a forward link indicator on
6 the display device. *See* Ex. G-1, Figs. 1-22; G-2, Figs. 1-24.

7 144. When placed into operation by Defendant or its end users, Google Play Music and
8 YouTube infringe claim 22 of the '672 Patent. They perform the method of claim 20 wherein the
9 plurality of media elements are further associated by a series of backward links. *See* Ex. G-1, Figs.
10 1-22; G-2, Figs. 1-24.

11 145. When placed into operation by Defendant or its end users, Google Play Music and
12 YouTube infringe claim 23 of the '672 Patent. They perform the method of claim 22, wherein the
13 method further comprises: sending data from the remote node that causes the display of a backward
14 link indicator on the display device. *See* Ex. G-1, Figs. 1-22; G-2, Figs. 1-24.

15 146. When placed into operation by Defendant or its end users, Google Play Music and
16 YouTube infringe claim 24 of the '672 Patent. They perform the method of claim 20 wherein the
17 second media element has a backward link to the first media element, and wherein the method further
18 comprises: when the second media element is being displayed in the display window, receiving a
19 third signal in response to an action of the user indicating a backward link activation; and in response
20 to the third signal, activating the backward link to the first media element. *See* Ex. G-1, Figs. 1-22;
21 G-2, Figs. 1-24.

22 147. As a result of Defendant's infringement of the '672 Patent, Hypermedia has suffered
23 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
24 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
25 invention by Defendant, together with interest and costs as fixed by the court.

26 **COUNT VIII**
27 **INFRINGEMENT OF U.S. PATENT NO. 9,772,814**
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1 148. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
2 offers for sale products and/or systems (*i.e.*, the Google Play Music and YouTube) that infringe the
3 claims of the '814 patent.

4 149. Upon information and belief, Defendant has been and is now infringing claims 1, 2,
5 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20 of the '814 Patent in the State of California,
6 in this Judicial District, and elsewhere in the United States, by, among other things, directly or through
7 intermediaries, making, using, importing, providing, selling and/or offering for sale Google Play
8 Music and YouTube, covered by one or more claims of the '814 Patent to the injury of Hypermedia.
9 Defendant is directly infringing, literally infringing, and/or infringing the '814 Patent under the
10 doctrine of equivalents. Defendant is thus liable for infringement of the '814 Patent pursuant to 35
11 U.S.C. § 271(a).

12 150. When placed into operation by Defendant or its end users, Google Play Music
13 infringes claim 1 of the '814 Patent. It performs a method of presenting a linear program of audio
14 elements, the method comprising: selecting a first audio element via a server; selecting a second audio
15 element via the server; selecting a third audio element via the server; associating, via the server, the
16 first audio element, the second audio element and the third audio element in a linearly linked fashion
17 to produce the linear program of audio elements; sending data for displaying a plurality of indicators,
18 each of the plurality of indicators representing a corresponding one of the first audio element, the
19 second audio element or the third audio element; sending data for displaying a forward link indicator
20 that selects a next program element of the linear program of audio elements; and in response to a user
21 selection of one of the plurality of indicators, selecting the corresponding one of, the first audio
22 element, the second audio element or the third audio element; wherein the first audio element, the
23 second audio element and the third audio element are stored on the server. *See* Ex. H-1, Figs. 1-22.

24 151. When placed into operation by Defendant or its end users, Google Play Music
25 infringes claim 2 of the '814 Patent. It performs the method of claim 1 further comprising: sending
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1 data for displaying a backward link indicator that selects a previous program element of the linear
2 program of audio elements. *See* Ex. H-1, Figs. 1-22.

3 152. When placed into operation by Defendant or its end users, Google Play Music
4 infringes claim 3 of the '814 Patent. It performs the method of claim 1 further comprising: sending
5 data for displaying the linear program of audio elements to a subscriber station at a user location over
6 an Internet. *See* Ex. H-1, Figs. 1-22.

7 153. When placed into operation by Defendant or its end users, Google Play Music
8 infringes claim 4 of the '814 Patent. It performs the method of claim 1 wherein the plurality of
9 indicators includes at least one of: text, icons or graphical depictions. *See* Ex. H-1, Figs. 1-22.

10 154. When placed into operation by Defendant or its end users, Google Play Music
11 infringes claim 5 of the '814 Patent. It performs a method of presenting a linear program of audio
12 elements, the method comprising: associating, via a server, a first audio element, a second audio
13 element and a third audio element in a linearly linked fashion to produce the linear program of audio
14 elements; sending data for displaying the linear program of audio elements to a subscriber station at
15 a user location over an Internet connection by displaying a plurality of indicators, each of the plurality
16 of indicators representing a corresponding one of the first audio element, the second audio element
17 or the third audio element, wherein the plurality of indicators includes at least one of: text, icons and
18 graphical depictions; in response to a user selection of one of the plurality of indicators, selecting the
19 corresponding one of, the first audio element, the second audio element or the third audio element;
20 sending data for displaying a forward link indicator that selects a next program element of the linear
21 program of audio elements; and in response to a user selection of one of the plurality of indicators,
22 selecting the corresponding one of, the first audio element, the second audio element or the third
23 audio element; wherein the first audio element, the second audio element and the third audio element
24 are stored on the server. *See* Ex. H-1, Figs. 1-22.

25 155. When placed into operation by Defendant or its end users, Google Play Music
26 infringes claim 7 of the '814 Patent. It performs a method of presenting a linear program of audio
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1 elements, the method comprising: selecting, by a server, a first audio element; selecting, by the server,
2 a second audio element; selecting, by the server, a third audio element; associating, by the server, the
3 first audio element, the second audio element and the third audio element in a linearly linked fashion
4 to produce the linear program of audio elements; sending data for displaying a forward link indicator
5 that selects a next program element of the linear program of audio elements; and sending data for
6 displaying a backward link indicator that selects a previous program element of the linear program
7 of audio elements; wherein the first audio element, the second audio element and the third audio
8 element are stored on the server. *See* Ex. H-1, Figs. 1-22.

9 156. When placed into operation by Defendant or its end users, Google Play Music
10 infringes claim 8 of the '814 Patent. It performs the method of claim 7 further comprising: sending
11 data for displaying a plurality of indicators, each of the plurality of indicators representing a
12 corresponding one of the first audio element, the second audio element or the third audio element.
13 *See* Ex. H-1, Figs. 1-22.

14 157. When placed into operation by Defendant or its end users, Google Play Music
15 infringes claim 9 of the '814 Patent. It performs the method of claim 8 further comprising: in response
16 to a user selection of one of the plurality of indicators, highlighting and selecting a corresponding one
17 of, the first audio element, the second audio element or the third audio element. *See* Ex. H-1, Figs. 1-
18 22.

19 158. When placed into operation by Defendant or its end users, Google Play Music
20 infringes claim 10 of the '814 Patent. It performs a method of presenting a linear program of audio
21 elements, the method comprising: receiving a search request from a client device; determining a first
22 audio element, a second audio element and a third audio element in response to the search request;
23 associating, by a server, the first audio element, the second audio element and the third audio element
24 in a linearly linked fashion to produce the linear program of audio elements; sending data for
25 displaying a plurality of indicators, each of the plurality of indicators representing a corresponding
26 one of the first audio element, the second audio element or the third audio element, wherein the
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1 plurality of indicators includes at least one of: text, icons or graphical depictions; in response to a
2 user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio
3 element, the second audio element or the third audio element; and sending data for displaying a
4 forward link indicator that selects a next program element of a linear program of audio elements;
5 wherein the first audio element, the second audio element and the third audio element are stored on
6 a server of a World Wide Web. *See* Ex. H-1, Figs. 1-22.

7 159. When placed into operation by Defendant or its end users, Google Play Music
8 infringes claim 11 of the '814 Patent. It performs the method of claim 10 further comprising: in
9 response to a user selection of one of the plurality of indicators, highlighting the corresponding one
10 of, the first audio element, the second audio element or the third audio element. *See* Ex. H-1, Figs. 1-
11 22.

12 160. When placed into operation by Defendant or its end users, Google Play Music
13 infringes claim 12 of the '814 Patent. It performs the method of claim 10 further comprising: sending
14 data for displaying a backward link indicator that selects a previous program element of a linear
15 program of audio elements. *See* Ex. H-1, Figs. 1-22.

16 161. When placed into operation by Defendant or its end users, Google Play Music
17 infringes claim 13 of the '814 Patent. It performs the method of claim 10 further comprising: sending
18 data for displaying the linear program of audio elements to a subscriber station at a user location over
19 an Internet connection. *See* Ex. H-1, Figs. 1-22.

20 162. When placed into operation by Defendant or its end users, YouTube infringes claim
21 14 of the '814 Patent. It performs a method of presenting a linear program of video elements, the
22 linear program including a first video element, a second video element and a third video element, the
23 method comprising: sending data for displaying a plurality of indicators in a map area of a display
24 screen, each of the plurality of indicators representing a corresponding one of the first video element,
25 the second video element or the third video element, wherein the plurality of indicators includes at
26 least one of: text, icons or graphical depictions; sending data for displaying a forward link indicator
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1 corresponding to a next program element of the linear program of video elements; selecting, by a
2 server, the next program element of the linear program of video elements in response to a user
3 selection of the forward link indicator; and sending data for displaying the selected next program
4 element in a viewing area of the display screen; wherein the first video element, the second video
5 element and the third video element are stored on the server. *See* Ex. H-2, Figs. 1-21.

6 163. When placed into operation by Defendant or its end users, YouTube infringes claim
7 15 of the '814 Patent. It performs the method of claim 14 further comprising: in response to a user
8 selection of one of the plurality of indicators, selecting a selected video element corresponding to one
9 of, the first video element, the second video element or the third video element. *See* Ex. H-2, Figs. 1-
10 21.

11 164. When placed into operation by Defendant or its end users, YouTube infringes claim
12 16 of the '814 Patent. It performs the method of claim 14 further comprising: in response to a user
13 selection of one of the plurality of indicators, highlighting the corresponding one of, the first video
14 element, the second video element or the third video element. *See* Ex. H-2, Figs. 1-21.

15 165. When placed into operation by Defendant or its end users, YouTube infringes claim
16 17 of the '814 Patent. It performs the method of claim 14 further comprising: displaying a backward
17 link indicator corresponding to a previous program element of a linear program of video elements.
18 *See* Ex. H-2, Figs. 1-21.

19 166. When placed into operation by Defendant or its end users, YouTube infringes claim
20 18 of the '814 Patent. It performs the method of claim 14 further comprising: sending data for
21 displaying the linear program of video elements to a subscriber station at a user location over an
22 Internet. *See* Ex. H-2, Figs. 1-21.

23 167. When placed into operation by Defendant or its end users, Google Play Music and
24 YouTube infringe claim 20 of the '814 Patent. They perform a method for navigating a linear Web
25 program wherein the linear Web program includes a plurality of addresses that correspond to a
26 plurality of media elements of a World Wide Web, wherein the plurality of addresses are ordered in
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the linear Web program in accordance with a linear sequence, and wherein the linear Web program and the plurality of media elements are stored on a network node, the method comprising: sending data from the network node to display, in a display window of a display device of a subscriber station at a user location, a first media element of the plurality of media elements, the first media element having a forward link to a second media element of the linear Web program; sending the linear Web program from the network node to the subscriber station; when the first media element is displayed in the display window, receiving a first signal in response to an action of the user indicating a first forward link activation, and in response to the first signal, sending data from the network node to display in the display window, the second media element of the linear Web program, the second media element having a forward link to a third media element of the linear Web program; and when the second media element is displayed in the display window, receiving a second signal in response to an action of the user indicating a second forward link activation, and in response to the second signal, sending data from the network node to display in the display window, the third media element of the linear Web program. *See* Ex. H-1, Figs. 1-22; H-2, Figs. 1-21.

168. As a result of Defendant's infringement of the '814 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT IX
INFRINGEMENT OF U.S. PATENT NO. 9,864,575

169. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, Google Images) that infringes the claims of the '575 Patent.

170. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the '575 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for Google Images,

1 covered by one or more claims of the '575 Patent to the injury of Hypermedia. Defendant is directly
2 infringing, literally infringing, and/or infringing the '575 Patent under the doctrine of equivalents.
3 Defendant is thus liable for infringement of the '575 Patent pursuant to 35 U.S.C. § 271(a).

4 171. When placed into operation by Defendant or its end users, Google Images infringes
5 claim 1 of the '575 Patent. It performs a method of presenting a linear program of image elements,
6 the method comprising: selecting, via a server of a World Wide Web including a processor and a
7 memory, a first image element; selecting, via the server of the World Wide Web, a second image
8 element; selecting, via the server of the World Wide Web, a third image element; associating, via the
9 server of the World Wide Web, the first image element, the second image element and the third image
10 element in a linearly linked fashion to produce the linear program of image elements; transmitting,
11 via the server of the World Wide Web, first data for display in a map area of a display screen of a
12 client device associated with a user, the first data including a plurality of indicators, each of the
13 plurality of indicators representing a corresponding one of the first image element, the second image
14 element and the third image element; transmitting via the server of the World Wide Web and for
15 display on the display screen of the client device associated with the user, second data including a
16 forward link indicator that facilitates automatic selection a next program element of the linear
17 program of image elements; and receiving, via the server of the World Wide Web, third data from
18 the client device associated with the user indicating a selection by the user of one of the plurality of
19 indicators representing a selected one of, the first image element, the second image element or the
20 third image element; wherein the first image element, the second image element and the third image
21 element are stored on the server of the World Wide Web and wherein the selected one of, the first
22 image element, the second image element or the third image element is transmitted, via the server of
23 the World Wide Web, to the client device associated with the user. *See* Ex. I-1, Figs. 1-38.

24 172. When placed into operation by Defendant or its end users, Google Images infringes
25 claim 2 of the '575 Patent. It performs the method of claim 1 further comprising: transmitting, via
26 the server of the World Wide Web, fourth data for display on the display screen of the client device
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1 associated with the user, the fourth data including a backward link indicator that selects a previous
2 program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

3 173. When placed into operation by Defendant or its end users, Google Images infringes
4 claim 3 of the '575 Patent. It performs the method of claim 2 further comprising: receiving, via the
5 server of the World Wide Web, fifth data from the client device associated with the user indicating a
6 selection by the user of the backward link indicator; determining, via the server of the World Wide
7 Web, the previous program element of the linear program of image elements, based on the linear
8 program of image elements and further based on the selected one of, the first image element, the
9 second image element or the third image element; transmitting, via the server of the World Wide
10 Web, sixth data for display on the display screen of the client device associated with the user, the
11 sixth data including the previous program element of the linear program of image elements. *See* Ex.
12 I-1, Figs. 1-38.

13 174. When placed into operation by Defendant or its end users, Google Images infringes
14 claim 4 of the '575 Patent. It performs the method of claim 1 further comprising: receiving, via the
15 server of the World Wide Web, fourth data from the client device associated with the user indicating
16 a selection by the user of the forward link indicator; determining, via the server of the World Wide
17 Web, the next program element of the linear program of image elements, based on the linear program
18 of image elements and further based on the selected one of, the first image element, the second image
19 element or the third image element; transmitting, via the server of the World Wide Web, fifth data
20 for display on the display screen of the client device associated with the user, the fifth data including
21 the next program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

22 175. When placed into operation by Defendant or its end users, Google Images infringes
23 claim 5 of the '575 Patent. It performs the method of claim 1 further comprising: receiving, via the
24 server of the World Wide Web, fourth data from the client device associated with the user indicating
25 a search query; and wherein the first image element, the second image element and the third image
26 element, are selected based on the search query. *See* Ex. I-1, Figs. 1-38.

1 176. When placed into operation by Defendant or its end users, Google Images infringes
2 claim 6 of the '575 Patent. It performs the method of claim 1 further comprising: receiving, via the
3 server of the World Wide Web, fourth data from the client device associated with the user indicating
4 a sequential selection by the user of the forward link indicator; and sequentially navigating, via the
5 server of the World Wide Web, the linear program of image elements in a forward order in response
6 to the fourth data. *See* Ex. I-1, Figs. 1-38.

7 177. When placed into operation by Defendant or its end users, Google Images infringes
8 claim 7 of the '575 Patent. It performs the method of claim 6 wherein sequentially navigating the
9 linear program of image elements in the forward order includes sequentially transmitting, for display
10 on the display screen of the client device associated with the user, fifth data successive ones of the
11 linear program of image elements in the forward order. *See* Ex. I-1, Figs. 1-38.

12 178. When placed into operation by Defendant or its end users, Google Images infringes
13 claim 8 of the '575 Patent. It performs the method of claim 1 further comprising: transmitting, via
14 the server of the World Wide Web, fourth data for display on the display screen of the client device
15 associated with the user, the fourth data including a backward link indicator that selects a previous
16 program element of the linear program of image elements; receiving, fifth data from the client device
17 associated with the user indicating a sequential selection by the user of the backward link indicator;
18 and sequentially navigating the linear program of image elements in a backward order in response to
19 the fifth data. *See* Ex. I-1, Figs. 1-38.

20 179. When placed into operation by Defendant or its end users, Google Images infringes
21 claim 9 of the '575 Patent. It performs the method of claim 8 wherein sequentially navigating the
22 linear program of image elements in the backward order includes sequentially transmitting, for
23 display on the display screen of the client device associated with the user, fifth data successive ones
24 of the linear program of image elements in the backward order. *See* Ex. I-1, Figs. 1-38.

25 180. When placed into operation by Defendant or its end users, Google Images infringes
26 claim 11 of the '575 Patent. It performs a method of presenting a linear program of image elements,
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1 the method comprising: associating, via a server of a World Wide Web including a memory and a
2 processor, a first image element, a second image element and a third image element in a linearly
3 linked fashion to produce the linear program of image elements; transmitting, via the server of the
4 World Wide Web, first data for display on a display screen of a client device associated with a user,
5 the first data including a plurality of indicators, each of the plurality of indicators representing a
6 corresponding one of the first image element, the second image element and the third image element,
7 wherein each of the plurality of indicators includes at least one of: text, an icon, the first image
8 element, the second image element or the third image element; receiving, via the server of the World
9 Wide Web, second data from the client device associated with the user indicating a selection by the
10 user of one of the plurality of indicators representing a selected one of, the first image element, the
11 second image element or the third image element; and transmitting, via the server of the World Wide
12 Web, third data for display on the display screen of the client device associated with the user, the
13 third data including a forward link indicator that facilitates automatic selection of a next program
14 element of the linear program of image elements; and wherein the first image element, the second
15 image element and the third image element are stored on the server of the World Wide Web and
16 wherein the selected one of, the first image element, the second image element or the third image
17 element is transmitted, via the server of the World Wide Web, to the client device associated with the
18 user. *See* Ex. I-1, Figs. 1-38.

19 181. When placed into operation by Defendant or its end users, Google Images infringes
20 claim 12 of the '575 Patent. It performs the method of claim 11 further comprising: transmitting, via
21 the server of the World Wide Web, fourth data for display on the display screen of the client device
22 associated with the user, the fourth data including a backward link indicator that selects a previous
23 program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

24 182. When placed into operation by Defendant or its end users, Google Images infringes
25 claim 13 of the '575 Patent. It performs the method of claim 12 further comprising: receiving, via
26 the server of the World Wide Web, fifth data from the client device associated with the user indicating
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1 a selection by the user of the backward link indicator; determining, via the server of the World Wide
2 Web, the previous program element of the linear program of image elements, based on the linear
3 program of image elements and further based on the selected one of, the first image element, the
4 second image element or the third image element; transmitting, via the server of the World Wide
5 Web, sixth data for display on the display screen of the client device associated with the user, the
6 sixth data including the previous program element of the linear program of image elements. *See* Ex.
7 I-1, Figs. 1-38.

8 183. When placed into operation by Defendant or its end users, Google Images infringes
9 claim 14 of the '575 Patent. It performs the method of claim 11 further comprising: receiving, via
10 the server of the World Wide Web, fourth data from the client device associated with the user
11 indicating a selection by the user of the forward link indicator; determining, via the server of the
12 World Wide Web, the next program element of the linear program of image elements, based on the
13 linear program of image elements and further based on the selected one of, the first image element,
14 the second image element or the third image element; transmitting, via the server of the World Wide
15 Web, fifth data for display on the display screen of the client device associated with the user, the fifth
16 data including the next program element of the linear program of image elements. *See* Ex. I-1, Figs.
17 1-38.

18 184. When placed into operation by Defendant or its end users, Google Images infringes
19 claim 15 of the '575 Patent. It performs the method of claim 11 further comprising: receiving, via
20 the server of the World Wide Web, fourth data from the client device associated with the user
21 indicating a search query; and wherein the first image element, the second image element and the
22 third image element, are selected based on the search query. *See* Ex. I-1, Figs. 1-38.

23 185. When placed into operation by Defendant or its end users, Google Images infringes
24 claim 16 of the '575 Patent. It performs the method of claim 11 further comprising: receiving, via
25 the server of the World Wide Web, fourth data from the client device associated with the user
26 indicating a sequential selection by the user of the forward link indicator; and sequentially navigating,
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1 via the server of the World Wide Web, the linear program of image elements in a forward order in
2 response to the fourth data. *See* Ex. I-1, Figs. 1-38.

3 186. When placed into operation by Defendant or its end users, Google Images infringes
4 claim 17 of the '575 Patent. It performs the method of claim 16 wherein sequentially navigating the
5 linear program of image elements in the forward order includes sequentially transmitting, for display
6 on the display screen of the client device associated with the user, fifth data successive ones of the
7 linear program of image elements in the forward order. *See* Ex. I-1, Figs. 1-38.

8 187. When placed into operation by Defendant or its end users, Google Images infringes
9 claim 18 of the '575 Patent. It performs the method of claim 11 further comprising: transmitting, via
10 the server of the World Wide Web, fourth data for display on the display screen of the client device
11 associated with the user, the fourth data including a backward link indicator that selects a previous
12 program element of the linear program of image elements; receiving, fifth data from the client device
13 associated with the user indicating a sequential selection by the user of the backward link indicator;
14 and sequentially navigating the linear program of image elements in a backward order in response to
15 the fifth data. *See* Ex. I-1, Figs. 1-38.

16 188. When placed into operation by Defendant or its end users, Google Images infringes
17 claim 19 of the '575 Patent. It performs the method of claim 18 wherein sequentially navigating the
18 linear program of image elements in the backward order includes sequentially transmitting, for
19 display on the display screen of the client device associated with the user, fifth data successive ones
20 of the linear program of image elements in the backward order. *See* Ex. I-1, Figs. 1-38.

21 189. When placed into operation by Defendant or its end users, Google Images infringes
22 claim 20 of the '575 Patent. It performs a method of presenting a linear program of image elements,
23 the method comprising: receiving, via a server of a World Wide Web including a processor and a
24 memory fourth data from a client device associated with a user indicating a search query; selecting,
25 via the server of the World Wide Web and responsive to the search query, a plurality of image
26 elements including a first image element a second image element and a third image element;
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1 associating, via the server of the World Wide Web, the plurality of image elements in a linearly linked
 2 fashion to produce the linear program of image elements; transmitting, via the server of the World
 3 Wide Web, first data for display in a map area of a display screen of the client device associated with
 4 the user, the first data including a plurality of indicators, each of the plurality of indicators
 5 representing a corresponding one of the first image element, the second image element and the third
 6 image element; transmitting via the server of the World Wide Web and for display on the display
 7 screen of the client device associated with the user, second data including a forward link indicator
 8 that facilitates automatic selection a next program element of the linear program of image elements;
 9 and receiving, via the server of the World Wide Web, third data from the client device associated
 10 with the user indicating a selection by the user of one of the plurality of indicators representing a
 11 selected one of, the first image element, the second image element or the third image element; wherein
 12 the plurality of image elements are stored on the server of the World Wide Web and wherein the
 13 selected one of, the first image element, the second image element or the third image element is
 14 transmitted, via the server of the World Wide Web, to the client device associated with the user. *See*
 15 Ex. I-1, Figs. 1-38.

16 190. As a result of Defendant's infringement of the '575 Patent, Hypermedia has suffered
 17 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
 18 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
 19 invention by Defendant, together with interest and costs as fixed by the court.

20 **COUNT X**
 21 **INFRINGEMENT OF U.S. PATENT NO. 6,779,026**

22 191. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
 23 offers for sale products and/or systems (*i.e.*, the Google App) that infringes the claims of the '026
 24 Patent.

25 192. Upon information and belief, Defendant has been and is now infringing claims 7 and
 26 10 of the '026 Patent in the State of California, in this Judicial District, and elsewhere in the United
 27 States, by, among other things, directly or through intermediaries, making, using, importing,
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1 providing, selling and/or offering for Google Images, covered by one or more claims of the '026
 2 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or
 3 infringing the '026 Patent under the doctrine of equivalents. Defendant is thus liable for infringement
 4 of the '026 Patent pursuant to 35 U.S.C. § 271(a).

5 193. When placed into operation by Defendant or its end users, the Google App infringes
 6 claim 7 of the '026 Patent. It performs a method of creating a linear Web tour comprising a linear
 7 linked-sequence of program elements on the World-Wide Web, the World-Wide Web including a
 8 plurality of websites at respective remote information nodes, each website having a plurality of
 9 individual media elements, the method comprising: selecting a first base media element
 10 corresponding to a Web page of a first website; selecting a second base media element corresponding
 11 to a Web page of a second website; and creating an exclusive forward link from the first base media
 12 element to the second base media element, wherein the linear linked-sequence of program elements
 13 includes the first base media element and the second base media element. *See* Ex. J-1, Figs. 1-5.

14 194. When placed into operation by Defendant or its end users, the Google App infringes
 15 claim 10 of the '026 Patent. It performs a method of claim 7 further comprising: assigning the first
 16 base media element to a first program element of the linear linked-sequence of program elements.
 17 *See* Ex. J-1, Figs. 1-5.

18 195. As a result of Defendant's infringement of the '672 Patent, Hypermedia has suffered
 19 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
 20 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
 21 invention by Defendant, together with interest and costs as fixed by the court.

22 **COUNT XI**
 23 **INFRINGEMENT OF U.S. PATENT NO. 9,990,174**

24 196. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
 25 offers for sale products and/or systems (*i.e.*, YouTube) that infringes the claims of the '174 Patent.

26 197. Upon information and belief, Defendant has been and is now infringing claims 1, 2,
 27 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the '174 Patent in the State of
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1 California, in this Judicial District, and elsewhere in the United States, by, among other things,
2 directly or through intermediaries, making, using, importing, providing, selling and/or offering for
3 Google Images, covered by one or more claims of the '174 Patent to the injury of Hypermedia.
4 Defendant is directly infringing, literally infringing, and/or infringing the '174 Patent under the
5 doctrine of equivalents. Defendant is thus liable for infringement of the '174 Patent pursuant to 35
6 U.S.C. § 271(a).

7 198. When placed into operation by Defendant or its end users, YouTube infringes claim 1
8 of the '174 Patent. It performs a method of presenting a linear program of video elements, the method
9 comprising: receiving, via a server of a World Wide Web including a processor and a memory, search
10 data indicating search criteria associated with video content; wherein the server of the World Wide
11 Web responds to the search criteria by: selecting, via the server of the World Wide Web, a first video
12 element; selecting, via the server of the World Wide Web, a second video element; selecting, via the
13 server of the World Wide Web, a third video element; associating, via the server of the World Wide
14 Web, the first video element, the second video element and the third video element along with other
15 video elements in a linearly linked fashion to produce the linear program of video elements;
16 transmitting, via the server of the World Wide Web, first data for display in a map area of a display
17 screen of a client device associated with a user, the first data including a plurality of indicators, each
18 of the plurality of indicators representing a corresponding one of the first video element, the second
19 video element and the third video element; and transmitting via the server of the World Wide Web
20 and for display on the display screen of the client device associated with the user, second data
21 including a forward link indicator; receiving, via the server of the World Wide Web, third data from
22 the client device associated with the user indicating a selection of the forward link indicator; updating,
23 via the server of the World Wide Web, the first data to form updated first data for display in the map
24 area in response to selection of the forward link indicator; and receiving, via the server of the World
25 Wide Web, fourth data from the client device associated with the user indicating a selection by the
26 user of one of the plurality of indicators representing a selected one of, the first video element, the
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1 second video element or the third video element; wherein the first video element, the second video
2 element and the third video element are stored on the server of the World Wide Web and wherein the
3 selected one of, the first video element, the second video element or the third video element is
4 transmitted, via the server of the World Wide Web, to the client device associated with the user. *See*
5 *Ex. K-1, Figs. 1-22.*

6 199. When placed into operation by Defendant or its end users, YouTube infringes claim 2
7 of the '174 Patent. It performs the method of claim 1 further comprising: transmitting, via the server
8 of the World Wide Web, fifth data for display on the display screen of the client device associated
9 with the user, the fifth data including a backward link indicator that selects a previous program
10 element of the linear program of video elements. *See Ex. K-1, Figs. 1-22.*

11 200. When placed into operation by Defendant or its end users, YouTube infringes claim 3
12 of the '174 Patent. It performs the method of claim 2 further comprising: receiving, via the server of
13 the World Wide Web, sixth data from the client device associated with the user indicating a selection
14 of the backward link indicator; and updating, via the server of the World Wide Web, the first data for
15 display in the map area in response to selection of the backward link indicator. *See Ex. K-1, Figs. 1-*
16 *22.*

17 201. When placed into operation by Defendant or its end users, YouTube infringes claim 4
18 of the '174 Patent. It performs the method of claim 1 further comprising: determining, via the server
19 of the World Wide Web and in response to the third data, a next program element of the linear
20 program of video elements, based on the linear program of video elements and further based on the
21 selected one of, the first video element, the second video element or the third video element;
22 transmitting, via the server of the World Wide Web, fifth data for display on the display screen of the
23 client device associated with the user, the fifth data including the next program element of the linear
24 program of video elements. *See Ex. K-1, Figs. 1-22.*

1 202. When placed into operation by Defendant or its end users, YouTube infringes claim 5
2 of the '174 Patent. It performs the method of claim 1 wherein the search criteria designates a file
3 information content. *See* Ex. K-1, Figs. 1-22.

4 203. When placed into operation by Defendant or its end users, YouTube infringes claim 6
5 of the '174 Patent. It performs the method of claim 1 further comprising: receiving, via the server of
6 the World Wide Web, fifth data from the client device associated with the user indicating a sequential
7 selection by the user of the forward link indicator; and repeatedly navigating, via the server of the
8 World Wide Web, the linear program of video elements in a forward order in response to the fifth
9 data. *See* Ex. K-1, Figs. 1-22.

10 204. When placed into operation by Defendant or its end users, YouTube infringes claim 7
11 of the '174 Patent. It performs the method of claim 6 wherein repeatedly navigating the linear
12 program of video elements in the forward order includes sequentially transmitting, for display on the
13 display screen of the client device associated with the user, sixth data indicating additional ones of
14 the linear program of video elements in the forward order. *See* Ex. K-1, Figs. 1-22.

15 205. When placed into operation by Defendant or its end users, YouTube infringes claim 8
16 of the '174 Patent. It performs the method of claim 1 further comprising: receiving, fifth data from
17 the client device associated with the user indicating a sequential selection by the user of a backward
18 link indicator; and repeatedly navigating the linear program of video elements in a backward order in
19 response to the fifth data. *See* Ex. K-1, Figs. 1-22.

20 206. When placed into operation by Defendant or its end users, YouTube infringes claim 9
21 of the '174 Patent. It performs the method of claim 8 wherein repeatedly navigating the linear
22 program of video elements in the backward order includes sequentially transmitting, for display on
23 the display screen of the client device associated with the user, fifth data successive ones of the linear
24 program of video elements in the backward order. *See* Ex. K-1, Figs. 1-22.

25 207. When placed into operation by Defendant or its end users, YouTube infringes claim
26 10 of the '174 Patent. It performs the method of claim 1 wherein the updated first data for display in
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1 the map area of the display screen of the client device associated with the user includes an updated
2 plurality of indicators, wherein at least one of the updated plurality of indicators represents one of the
3 other video elements. *See* Ex. K-1, Figs. 1-22.

4 208. When placed into operation by Defendant or its end users, YouTube infringes claim
5 11 of the '174 Patent. It performs a method of presenting a linear program of video elements, the
6 method comprising: receiving, via a server of a World Wide Web including a processor and a
7 memory, search data indicating search criteria associated with video content; wherein the server of
8 the World Wide Web responds to the search criteria by: selecting, via the server of the World Wide
9 Web, a first video element; selecting, via the server of the World Wide Web, a second video element;
10 selecting, via the server of the World Wide Web, a third video element; associating, via the server of
11 the World Wide Web, the first video element, the second video element and the third video element
12 along with other video elements in a linearly linked fashion to produce the linear program of video
13 elements; transmitting, via the server of the World Wide Web, first data for display in a map area of
14 a display screen of a client device associated with a user, the first data including a plurality of
15 indicators, each of the plurality of indicators representing a corresponding one of the first video
16 element, the second video element and the third video element; and transmitting via the server of the
17 World Wide Web and for display on the display screen of the client device associated with the user,
18 second data including a forward link indicator; receiving, via the server of the World Wide Web,
19 third data from the client device associated with the user indicating a selection of the forward link
20 indicator; updating, via the server of the World Wide Web, the first data to form updated first data
21 for display in the map area in response to selection of the forward link indicator, wherein the updated
22 first data for display in the map area of the display screen of the client device associated with the user
23 includes an updated plurality of indicators, wherein at least one of the updated plurality of indicators
24 represents one of the other video elements; and receiving, via the server of the World Wide Web,
25 fourth data from the client device associated with the user indicating a selection by the user of one of
26 the plurality of indicators representing a selected one of, the first video element, the second video
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1 element or the third video element; wherein the first video element, the second video element and the
2 third video element are stored on the server of the World Wide Web and wherein the selected one of,
3 the first video element, the second video element or the third video element is transmitted, via the
4 server of the World Wide Web, to the client device associated with the user. *See* Ex. K-1, Figs. 1-22.

5 209. When placed into operation by Defendant or its end users, YouTube infringes claim
6 12 of the '174 Patent. It performs the method of claim 11 further comprising: transmitting, via the
7 server of the World Wide Web, fifth data for display on the display screen of the client device
8 associated with the user, the fifth data including a backward link indicator that selects a previous
9 program element of the linear program of video elements. *See* Ex. K-1, Figs. 1-22.

10 210. When placed into operation by Defendant or its end users, YouTube infringes claim
11 13 of the '174 Patent. It performs the method of claim 12 further comprising: receiving, via the server
12 of the World Wide Web, sixth data from the client device associated with the user indicating a
13 selection of the backward link indicator; and updating, via the server of the World Wide Web, the
14 first data for display in the map area in response to selection of the backward link indicator. *See* Ex.
15 K-1, Figs. 1-22.

16 211. When placed into operation by Defendant or its end users, YouTube infringes claim
17 14 of the '174 Patent. It performs the method of claim 11 further comprising: determining, via the
18 server of the World Wide Web and in response to the third data, a next program element of the linear
19 program of video elements, based on the linear program of video elements and further based on the
20 selected one of, the first video element, the second video element or the third video element;
21 transmitting, via the server of the World Wide Web, fifth data for display on the display screen of the
22 client device associated with the user, the fifth data including the next program element of the linear
23 program of video elements. *See* Ex. K-1, Figs. 1-22.

24 212. When placed into operation by Defendant or its end users, YouTube infringes claim
25 15 of the '174 Patent. It performs the method of claim 11 wherein the search criteria designates a file
26 information content. *See* Ex. K-1, Figs. 1-22.
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1 213. When placed into operation by Defendant or its end users, YouTube infringes claim
2 16 of the '174 Patent. It performs the method of claim 11 further comprising: receiving, via the server
3 of the World Wide Web, fifth data from the client device associated with the user indicating a
4 sequential selection by the user of the forward link indicator; and repeatedly navigating, via the server
5 of the World Wide Web, the linear program of video elements in a forward order in response to the
6 fifth data. *See* Ex. K-1, Figs. 1-22.

7 214. When placed into operation by Defendant or its end users, YouTube infringes claim
8 17 of the '174 Patent. It performs the method of claim 16 wherein repeatedly navigating the linear
9 program of video elements in the forward order includes sequentially transmitting, for display on the
10 display screen of the client device associated with the user, sixth data indicating additional ones of
11 the linear program of video elements in the forward order. *See* Ex. K-1, Figs. 1-22.

12 215. When placed into operation by Defendant or its end users, YouTube infringes claim
13 18 of the '174 Patent. It performs the method of claim 11 further comprising: receiving, fifth data
14 from the client device associated with the user indicating a sequential selection by the user of a
15 backward link indicator; and repeatedly navigating the linear program of video elements in a
16 backward order in response to the fifth data. *See* Ex. K-1, Figs. 1-22.

17 216. When placed into operation by Defendant or its end users, YouTube infringes claim
18 19 of the '174 Patent. It performs the method of claim 18 wherein repeatedly navigating the linear
19 program of video elements in the backward order includes sequentially transmitting, for display on
20 the display screen of the client device associated with the user, fifth data successive ones of the linear
21 program of video elements in the backward order. *See* Ex. K-1, Figs. 1-22.

22 217. When placed into operation by Defendant or its end users, YouTube infringes claim
23 20 of the '174 Patent. It performs a method of presenting a linear program of video elements, the
24 method comprising: receiving, via a server of a World Wide Web including a processor and a
25 memory, search data indicating search criteria associated with video content; wherein the server of
26 the World Wide Web responds to the search criteria by: selecting, via the server of the World Wide
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Web, a first video element; selecting, via the server of the World Wide Web, a second video element; selecting, via the server of the World Wide Web, a third video element; associating, via the server of the World Wide Web, the first video element, the second video element and the third video element along with other video elements in a linearly linked fashion to produce the linear program of video elements; and transmitting, via the server of the World Wide Web, first data for display in a map area of a display screen of a client device associated with a user, the first data including a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first video element, the second video element and the third video element; updating, via the server of the World Wide Web, the first data to form updated first data for display in the map area, wherein the updated first data for display in the map area of the display screen of the client device associated with the user includes an updated plurality of indicators, wherein at least one of the updated plurality of indicators represents one of the other video elements; and receiving, via the server of the World Wide Web, fourth data from the client device associated with the user indicating a selection by the user of one of the plurality of indicators representing a selected one of, the first video element, the second video element or the third video element; wherein the first video element, the second video element and the third video element are stored on the server of the World Wide Web and wherein the selected one of, the first video element, the second video element or the third video element is transmitted, via the server of the World Wide Web, to the client device associated with the user. *See* Ex. K-1, Figs. 1-22.

218. As a result of Defendant's infringement of the '174 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT XII **INDUCED INFRINGEMENT**

219. Upon information and belief, Defendant has been and is now inducing the infringement by its end users of the claims 1, 5, 8, 10, 11, 14, and 17 of the '323 Patent; claims 1, 2, 10, and 11 of the '324 Patent; claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the '523 Patent; claims 1,

2, 3, 4, 7, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 41, 44, 48, and 49 of the '144 Patent; claims 1, 4, 7, 8, 9, 12, 13, 15, 18, 19, 20, 21, 24, and 25 of the '830 Patent; claims 1, 2, 5, 6, 12, 13, 15, 16, 17, 18, 21, 22, 23, 24, and 25 of the '173 Patent; claim 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, and 24 of the '672 Patent; claims 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20 of the '814 Patent; claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the '575 Patent; claims 7 and 10 of the '026 Patent; and claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the '174 Patent (collectively, the "Inducement Claims") in the State of California, in this Judicial District, and elsewhere in the United States by, among other things, making, using, selling, and/or offering for sale the Accused Instrumentalities to the injury of Plaintiff. Defendant's end users are directly infringing, literally infringing, and/or infringing the Inducement Claims under the doctrine of equivalents. Defendant is thus liable for infringement of the Inducement Claims pursuant to 35 U.S.C. § 271(b).

220. As shown above, Defendant have and continues to directly infringe the Inducement Claims by its end users in accordance with 35 U.S.C. § 271(b).

221. As shown above, Defendant and its end users have engaged in and currently engage in activities that constitute direct infringement of the Inducement Claims.

222. As shown above, the operation and use by Defendant or its end users of the Accused Instrumentalities constitutes direct infringement of the Inducement Claims.

223. Defendant's affirmative act of selling and/or offering for sale the Accused Instrumentalities and providing instruction, advertisement of the infringing features, and support for the Accused Instrumentalities have induced and continues to induce Defendant's end users to use the Accused Instrumentalities in its normal and customary way to infringe the Inducement Claims.

224. Through its making, selling, and/or offering for sale the Accused Instrumentalities, Defendant specifically intends that its resellers and end-users directly infringe the Inducement Claims. Defendant has had knowledge of the Hypermedia Patents since August 10, 2017, and actually induces others, such end-use customers, to directly infringe by using, selling, supplying, and

1 or distributing the Accused Instrumentality within the United States. Defendant is aware since at
2 least August 10, 2017, that such actions would induce actual infringement. Furthermore, Defendant
3 remains aware that these normal and customary activities would infringe the Inducement Claims.

4 225. For example, in connection with the sale and/or offering for sale of the Accused
5 Instrumentality, Defendant provides instructions and support to resellers and end-use customers
6 regarding the user and operation of the Accused Instrumentalities. Specifically, Defendant provides
7 advertisements and support, *see, e.g.*, <https://support.google.com/?hl=en0>. When end-users follow
8 such instructions and support, they directly infringe the Inducement Claims. Defendant knows or
9 should have known that by providing such instructs and support, resellers and end-use customers
10 follow these instructions and support and directly infringe the Inducement Claims.

11 226. Accordingly, Defendant has performed and continues to perform acts that constitute
12 indirect infringement, and would induce actual infringement, with the knowledge of the Inducement
13 Claims and with the knowledge or willful blindness to the fact that the induced acts would constitute
14 infringement.

15 **COUNT XIII**
16 **WILLFUL INFRINGEMENT**

17 227. Defendant has willfully infringed the Presented Patents, in connection with the
18 Accused Instrumentalities.

19 228. Defendant's conduct in making, using, selling, offering to sell and/or importing the
20 Accused Instrumentalities directly infringes multiple claims of the Presented Patents pursuant to 35
21 U.S.C. § 271(a).

22 229. Defendant had knowledge of the Presented Patents and of the fact that the Accused
23 Instrumentalities were made or adapted for use in infringement of the Presented Patents.

24 230. Defendant had knowledge of the Presented Patents prior to this lawsuit. Defendant
25 failed to provide any material, description, reasoning, or evidence of non-infringement or invalidity
26 of the Presented Patents. Defendant continued using the Accused Instrumentalities regardless of its
27 knowledge of infringement. Accordingly, Defendant's infringement is and has been willful, wanton,
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1 malicious, bad-faith, deliberate, consciously wrongful, and fragrant. Thus, Hypermedia sues for
2 willful infringement of the Presented Patents.

3 231. As a result of Defendant's willful infringement of the Presented Patents, Hypermedia
4 has suffered monetary damages and is entitled to a money judgment in an amount three times the
5 compensatory damages, in accordance with 35 U.S.C. § 284.

6 **PRAYER FOR RELIEF**

7
8 Hypermedia requests that the Court find in their favor and against Defendant, and that the
9 Court grant Hypermedia the following relief:

10 a. Judgment that one or more claims of the Asserted Patents have been infringed, either
11 literally and/or under the doctrine of equivalents, by Defendant;

12 b. Judgment that Defendant has willful infringed the Presented Patents;

13 c. Judgment that Defendant accounts for and pay to Hypermedia all damages and costs
14 incurred by Hypermedia, caused by Defendant's infringing activities and other conduct complained
15 of herein;

16 d. That Hypermedia be granted pre-judgment and post-judgment interest on the damages
17 caused by Defendant's infringing activities and other conduct complained of herein;

18 e. That this Court declare this an exceptional case and award Hypermedia reasonable
19 attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

20 f. That Hypermedia be granted such other and further relief as the Court may deem just
21 and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury or any issues so triable by right.

Dated: October 5, 2018

**FEINBERG DAY ALBERTI LIM &
BELLOLI LLP**

By: /s/ M. Elizabeth Day
M. Elizabeth Day

Attorneys for Plaintiff
Hypermedia Navigation LLC